

IV. REMARKS

1. The specification and claims 1-20 are amended. Claims 21-27 are new.

2. Claims 1-2, 11 and 19 are not unpatentable over Dent et al. ("Dent") (U.S. Patent No. 6,098,878) in view of Weiss (U.S. Patent No. 5,168,520) under 35 U.S.C. §103(a).

Claim 1 has been corrected to read that the secure wireless data transmission link is set up between the auxiliary device and the another electronic device. Claim 19 recites that the secure wireless data transmission link is set up between the wireless device and the auxiliary device. This is not disclosed by Dent in view of Weiss.

Dent discloses controlling expenses when using data communication services. The problem disclosed in Dent is different from the solution according to Applicant's invention, where the purpose is to form a secure data transfer connection between two devices. In the solution according to Dent, the critical data (expenses) are stored on a smart card, and when the expenses reach a certain level or exceed it, this is indicated to the user by means of some identifier on, for example, the display. The "smart card" is not an "auxiliary device" as described and claimed by Applicant. In Applicant's invention, a "wireless" data transmission link is set up between the auxiliary device and another electronic device. In Dent, the smart card 100 is coupled to control processor 10 via smart card interface 110. The smart card is inserted into the radio telephone. (Col. 5, lines 26-32). The smart card 100 stores information used by the radio telephone 500. (Col. 6, lines 13-19). There is absolutely no discussion in either reference of setting up a secure wireless data transmission link between the auxiliary device and another electronic device. It is generally known that a smart card interface

makes contact with the storage media on the smart card, and does not comprise a wireless connection. In any event, this is not disclosed or suggested by Dent in view of Weiss.

Weiss discloses a solution where a PIN code is used to secure an external computer. The solution of Weiss resembles a known security card where the user enters a personal identification number for the card, the card provides a PIN, which provides access, for example, for a home computer to some specific server. The card presented by Weiss comprises a keypad and a display, whereas in Applicant's invention the aim is to get rid of these (page 1, lines 10-23). The purpose of the solution according to Applicant's invention is to provide an electronic device, especially a wireless communication device, by means of which the secret key code can be entered into the device without significantly increasing the dimensions or the manufacturing costs of the device (page 2, line 34 to page 3, line 2).

In Dent, there is no wireless data transmission between the electronic device and the smart card. Also in Dent, the encryption key stored in the smart card is used to create a secure wireless data communication between the electronic device and a wireless network.

In Weiss it is possible to manually enter a user PIN into the smart card but there is no secure wireless data transmission link associated with the smart card itself. Combining Weiss and Dent does not result in any kind of secure wireless data communication link between the smart card and the electronic device.

Thus, claims 1, 11 and 19 are not disclosed or suggested by Dent in view of Weiss. Claim 2 should be allowable at least by reason of its dependency.

Applicant respectfully notes that Dent and Weiss have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case Dent and Weiss are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Neither Dent nor Weiss are in the same field as the Applicants' invention. Dent is directed to measures to control communications unit usage by a terminal. (Abstract, lines 6-8). To do this, "economic efficiency" is measured and an indication is displayed to the user. (Abstract, lines 8-16). Usage of the communication units can be altered when the measured communication units exceed the stored critical value. (Abstract, lines 17-21). There is simply no relationship between Dent and Applicant's invention. Applicant's invention is directed to an electronic device into which a key code can be entered and a secure wireless data transmission link can be set up between the electronic device (auxiliary device) and another electronic device. Dent merely illustrates the use of a smart card 100 and a smart card interface. Thus, Dent is not in the same field of endeavor or reasonably pertinent.

Weiss is similarly distinct. Weiss uses a PIN code to secure an external computer. The invention relates to improved security for a PIN. Weiss does not relate to a secure wireless data transmission link.

Thus, Dent and Weiss are non-analogous art, and cannot be properly combined for purposes of 35 U.S.C. §103(a).

Additionally, even if combinable, it is submitted that there is no motivation to combine Dent with Weiss to achieve Applicant's invention, as is required for obviousness under 35 U.S.C. §103(a). In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142). As noted above, the combination of Dent and Weiss does not disclose or suggest each feature of Applicants' invention as claimed.

Furthermore, neither reference provides the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of Dent and Weiss.

Dent measures "economic efficiency" and controls usage of the units when a predetermined value is exceeded. (See e.g. Abstract). Dent in essence controls expenses when using data communication services. Data is stored on smart card and when expenses reach a certain level, this can be displayed to the user. In Dent, there is no wireless data transmission between the electronic device and the smart card.

Weiss relates to manually entering a user PIN and a PIN security and verification process. The process of Weiss is not like Applicant's invention.

There is nothing in either Dent or Weiss that would suggest combining the references to achieve a system using an electronic device which a PIN code can be entered in order to

set up a secure wireless data transmission link between the electronic device (auxiliary device) and another electronic device.

Thus, the references themselves and/or the knowledge generally available to one of skill in the art does not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. §103(a). When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the references. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Dent and Weiss under 35 U.S.C. §103(a) is not established.

3. Claims 8 and 20 are not unpatentable over Dent and Weiss and further in view of Terauchi (U.S. Patent No. 5,396,650) under 35 U.S.C. §103(a).

Claims 8 and 20 should be allowable at least in view of their respective dependencies.

Furthermore, Terauchi does not disclose or suggest a wireless card reader. Rather, Terauchi only discloses an IC card, which is not the same.

Terauchi discloses an electronic device, i.e. a wireless device, and an IC card, but not an accessory device, i.e. a wireless smart card reader. According to claim 19, the secure wireless data transmission link is set up between the wireless device and the auxiliary device. This is not disclosed in Terauchi. The wireless device of Terauchi cannot be an

accessory or auxiliary device as mentioned or claimed by Applicant.

Thus, claims 8 and 20 are allowable.

4. Claims 3, 5, 9, 12 and 13-17 are not unpatentable over Dent and Weiss and further in view of Krishnan (20020110237) under 35 U.S.C. §103(a).

Claims 3, 5, 9, 12 and 13-17 should be allowable at least in view of their respective dependencies.

Furthermore, Krishnan does not in any way disclose selectors that could be rotated, let alone rotated several "revolutions". Furthermore, each primary key or secondary key in Krishnan does not have several successive positions each relating to a different value or selection. None of the keys in Krishnan have features relating to the direction of movement for effecting different values or selection. Krishnan does not in any way relate to rotating selector discs, rolls or wheels. Krishnan does not disclose or suggest the features recited in Applicant's claims.

Thus, these claims should also be allowable.

Krishnan is also non-analogous art for purposes of 35 U.S.C. §103(a). The Examiner states that the keys in Krishnan are "disk-like". However, the keys 12 and 14 in Krishnan are certainly not "rotatable" or arranged to rotate around an axis of "rotation" as is claimed by Applicant. Krishnan does not relate to rotation.

There is also no motivation to combine Krishnan with the other reference. Krishnan does not relate to "rotatable" selectors

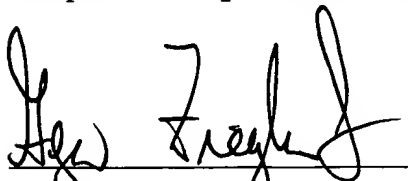
as claimed by Applicant. None of the references disclose or suggest the same.

Thus, not only is there no motivation to combine Krishnan with the other references, the reference is not analogous art for purposes of 35 U.S.C. §103(a), and the proposed combination does not disclose or suggest Applicant's invention.

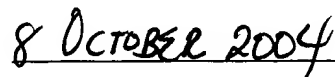
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$236 is enclosed for a one-month extension of time and additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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